CHAPTER 4: ANIMAL CONTROL

Section 1. DEFINITIONS

PERSON: Any individual, group of individuals, association, trust, partnership, corporation, or any other entity.

DOG OR CAT: Under this section Dog or Cat means any dog or cat over the age of four (4) months.

DANGEROUS DOG:

a. Dangerous dog means any individual dog that behaves in a manner that a reasonable person would believe poses a serious and unjustified imminent threat of serious physical injury or death to any person or companion animal, or,

b. A dog, that has attacked on two (2) separate occasions, in an unprovoked manner, any person or animal, resulting in injury to that person or animal, or,

c. Any dog that has a trait, characteristic, or known reputation for viciousness, dangerousness, or unprovoked attacks upon human beings or other animals, or,

d. Any dog owned or kept primarily, or in part, for the purpose of fighting; or any dog trained or bred for fighting.

VICIOUS DOG:

a. A Vicious dog is any “Dangerous Dog” that has attacked, in an unprovoked manner, any person or domestic animal, whether an injury is sustained or not, or,

b. Any dog that, in an unprovoked and vicious manner, attacks any person resulting in serious injury or death to that person.

SERIOUS INJURY: Any physical injury that results in broken bones or disfiguring lacerations requiring multiple sutures or cosmetic surgery.

Section 2. EXCLUSIONS:

The provisions of this chapter do not apply to: Veterinary Hospitals, Properly Licensed Boarding Kennels, Pet Shops, Animal Shelters, Properly Maintained and Licensed Zoological Park, Circus, Scientific Educational Institute or research laboratory. Police dogs which means an animal owned or used by a law enforcement department or agency in the course of the department or agency’s work.

Section 3. FARM ANIMALS

No person shall keep any farm animals or livestock such as cattle, sheep, horses, swine, goats or poultry at any place or upon any premises within the Village.

Section 4. EXOTIC ANIMALS

No person shall keep any exotic animals such as lions, tigers, bears, leopards, ocelots, jaguars, cheetahs, margays, mountain lions, Canada lynx, bobcats, hyenas, wolves, coyotes,
constricting or poisonous snakes or any other animal, which is inherently dangerous because of the nature of the animal in relation to persons or domestic animals.

Section 5. **DOG AT LARGE**

The owner, possessor, or keeper of any dog shall not permit the dog to be at large off the premises or property of such owner, possessor or keeper unless the dog is under restraint at all times. A dog is under restraint within the meaning of this Chapter if the dog is controlled by a leash “at heel” beside a competent person, and is obedient to that person’s commands; or under the control of a competent person while on or within a vehicle being driven or parked on the streets.

Section 6. **CATS AT LARGE**

The owner, possessor or keeper of a cat shall not allow a cat to stray or in any manner, or to run at large, on or upon, any public street, other public property, or the property of another, unless the cat is properly restrained. A cat is under restraint, within the meaning of this Chapter, if the cat is properly leashed.

Section 7. **NUMBER OF CATS AND DOGS**

No person shall permit more than two (2) cats, nor permit more than two (2) dogs, to remain in or about any residence, building, lot or mobile home located in a mobile home park anywhere within the Village.

Section 8. **FAILURE TO REMOVE ANIMAL WASTE**

It shall be unlawful for any person having control of any dog or other animal which deposits any solid excrement or feces upon any public way, sidewalk, street or right-of-way; or, upon the property of another without the consent of the property owner, to leave said excrement or feces without causing its immediate and complete removal.

Section 9. **BARKING OR HOWLING DOGS**

No person shall keep any dog, or any other animal, which by barking, howling, or other noises, shall disturb the peace and quiet of the neighborhood.

Section 10. **CRUELTY TO ANIMALS/UNLAWFUL ACTS**

No person shall overload, overdrive, overwork, cruelly beat, torture, torment, mutilate, maim, or cruelly kill any animal or cause to knowingly allow the same to be done. No person shall abandon or leave any animal any place without making provisions for its proper care such as food, potable water, protection from the elements, opportunity for exercise and other care that is needed for the health or well-being of such animal; nor willfully or maliciously administer or cause to be administered, poison of any kind whatsoever, to any dog, cat or domestic animal.

Section 11. **DANGEROUS DOGS**

The owner or keeper of a dog declared to be a “Dangerous Dog” must comply with the following:

a. Outdoor confinement: The dog shall be subject to enclosure. “Enclosure” means a fence or structure no larger than ten (10) feet wide and no longer than twenty (20) feet in depth, measured perpendicular from the width. The height of the fencing will be six (6) feet in
height, and the material shall be limited to chain link fencing material suitable to prevent
the entry of young children, and suitable to confine a dangerous dog. Such structure
should have a secure bottom or floor made from concrete that is attached to the sides of
the enclosure. All confinement structures shall comply with all building codes for the
Village of Coal Valley, and once completed shall be inspected by the Village of Coal
Valley Building Inspector. All enclosures must be kept in a clean and sanitary manner
and signs stating “Beware of Dog” shall be posted on all sides of the enclosure.

b. Indoor Confinement: No dangerous dog may be kept on a porch, patio, or any part of a
house or structure or in any manner that would allow the dog to exit such residence or
building on its own volition. In addition, no such animal may be kept in a residence or
building when the windows are open or when screen windows or screen doors are the
only obstacle preventing the dog from exiting the structure. A sign shall be posted on or
near the front door of the residence or building stating “Beware of Dog”.

c. Muzzle/Leash: No person shall permit a dog that has been deemed “dangerous” to go
outside its enclosure unless, such animal is securely muzzled by a muzzling device
sufficient to prevent such animal from biting persons or other animals, and is securely
leashed with a leash no longer than four feet in length. No person shall permit a
“dangerous” dog to be kept on a chain, rope, or other type of leash outside its enclosure
or any building unless an adult person is in physical control of the leash. Such dogs may
not be leashed to any inanimate object such as trees, posts, or buildings.

d. Photographs: Once a dog has been deemed “dangerous” a photograph will be taken
within five (5) days and kept on file at the Police Department.

e. Spay/Neuter/Microchip: Once a dog has been deemed “dangerous”, the owner of the dog
will have fourteen days to have the dog spayed or neutered and microchipped.

Section 12. DANGEROUS AND VICIOUS DOG – HEARING AND DETERMINATION

a. If a Police officer or Animal Control Officer determines that probable cause exists to
believe that a dog is a dangerous dog, the Police Officer or Animal Control Officer shall
order the dog’s owner or keeper to confine the dog pending an administrative hearing.
Failure to obey said order constitutes a violation of this section at which time the Village
may have the dog impounded at an Animal Control Facility approved for that purpose, at
the owners expense pending an administrative hearing.

b. Whenever a Police Officer or Animal Control officer has reason to believe a dog is
vicious under this Chapter, that Police Officer or Animal Control Officer will
immediately impound said dog at the owners expense, in an Animal Control Facility
approved for that purpose by the County Animal Control Director pending an
administrative hearing. A dog impounded under this section will not be returned to the
owner or keeper or any other person unless, following an administrative hearing the dog
is found not to be vicious. Dogs found to be vicious will be euthanized by the County
Animal Control. Any owner or keeper shall further be responsible for all costs incurred
by the Village in euthanizing the vicious dog.

c. Administrative Hearing to be conducted. An administrative hearing shall be conducted to
determine whether or not the dog is dangerous or vicious.

d. Notice and time for hearing. The owner or keeper of the dog shall be served with a
notice of administrative hearing, either personally or by first class mail to the owner or
keeper’s last known address. The administrative hearing shall be held promptly not less
than five (5) working days nor more than fifteen (15) working days following service of
the notice upon the owner or keeper of the dog.
e. Conduct of hearing. The administrative hearing shall be open to the public and shall be recorded by a tape recorder, stenographer, or other reliable means. The Village Administrator shall serve as the hearing officer. The hearing officer may admit into evidence all relevant evidence, including incident reports and the affidavits of witnesses, and live testimony. The hearing officer shall determine, based upon a preponderance of the evidence, whether or not the dog is dangerous or vicious.

f. Notice of determination. The dog’s owner or keeper shall be notified in writing of the hearing officer’s determination either personally or by first class mail to the owner or keeper’s last known address.

   (1) If the hearing officer determines that the dog is neither dangerous or vicious, owner or keeper may redeem the dog, if impounded, as otherwise provided in this chapter. The owner or keeper shall not be required to pay those daily impoundment fees that are attributable solely to the administrative hearing but shall be required to pay all other fees. If the dog has been determined to be a dangerous dog, the owner or keeper shall comply with all restrictions for a dangerous dog in section 11 of this ordinance.

   (2) If the hearing officer determines that the dog is vicious, the animal may not be redeemed, and the notice of determination shall also state that the dog shall be euthanized within five (5) working days of the date of the notice unless the owner or keeper requests a stay of ten (10) working days during which to file a complaint for a court review of the hearing officer’s determination pursuant to the provisions of the Illinois Administrative Review Law, 735 ILCS 5/3-101 et. Seq., and amendments thereto.

g. Failure to appear. If the dog’s owner or keeper cannot be found or fails to appear in person or by legal counsel for the administrative hearing, the hearing officer shall make a determination by default, without the need of any testimony or other evidence, that the dog is vicious or dangerous, as well as abandoned, and the dog shall be euthanized without further notice to the owner or keeper.

h. Time for euthanasia – stay. Upon the hearing officer’s determination that the dog is vicious, it shall be euthanized after five (5) working days from the date of the notice of determination to the owner or keeper, unless the owner or keeper within that time period delivers to the office of the Chief of Police a request to stay the euthanasia for a period of ten (10) working days for the purpose of filing a complaint for court review of the hearing officer’s determination pursuant to the provisions of the Illinois Administrative Review Law, 735 ILCS 5/3-101 et. Seq., and amendments thereto. If, at the end of that period, the Village has not received notice that a complaint has been filed, the dog shall be euthanized without further notice to the owner or keeper.

i. Appeal. Any person aggrieved by the hearing officer’s decision may appeal to the Circuit Court pursuant to the provisions of the Illinois Administrative Review Law, 735 ILCS 5/3-101 et. Seq., and amendments thereto.

j. Vicious Dog. It shall be unlawful for any person to keep, or suffer to be kept, any dog determined to be vicious within the limits of the Village of Coal Valley.

Section 13. VACCINATIONS

Every owner of a dog or cat four (4) months of age, within the Village of Coal Valley, shall cause such dog or cat to be vaccinated against rabies by a licensed veterinarian and shall keep current such vaccinations as long as the dog or cat is within the Village limits.
Evidence of such rabies inoculation shall be entered on a certificate, which shall be signed by the veterinarian administering the vaccine and name of the clinic, hospital, or facility with which said veterinarian is affiliated.

Section 14. PENALTY.

A person convicted for a violation of any of the provisions of this chapter will be fined not less than Fifty Dollars ($50.00), nor more than Two Hundred Dollars ($200.00), for each separate offense; except that a person convicted of a violation under the provisions of Section 12(j) of this Chapter shall be fined not less than One Hundred Dollars ($100.00), nor more than Seven Hundred and Fifty Dollars ($750.00) for each separate offense. Each day a violation is permitted or allowed to continue shall be considered a separate offense. The owner of any dog that injures another person or domestic animal, in violation of this code, is responsible for the cost of all reasonable medical or veterinary attention received by the injured party.